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### REMARKS

Favorable reconsideration of this application in light of the above amendments and the following remarks is respectfully requested.

Claims 1-14 are pending within this application. No claims are amended or newly added herein. No claims have been allowed.

#### *Claim Rejections § 35 U.S.C. § 102 & § 103*

The Examiner has rejected claims 1, 3-7 and 9-14 under 35 U.S.C. § 102(c) as being anticipated by Robertson et al. (U.S. Patent No. 6,594,799; hereinafter "Robertson").

The Examiner has rejected claims 2 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Robertson.

The Examiner reads Robertson's Figs. 1-2 onto applicant's claims 1 and 7, and concludes that all limitations within claims 1 and 7 are taught within Robertson.

With respect to claims 2 and 8, which are directed towards various microelectronic fabrication facilities within which may be practiced applicant's invention, the Examiner takes official notice of applicability of Robertson's invention to those types of microelectronic fabrication facilities.

In response with respect to claims 2 and 8, applicant notes that Robertson within the last sentence within col. 6 teaches that "[i]n another embodiment, the portal site 104 connects end users 102 to a foundry or semiconductor manufacturers." Thus, applicant understands

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Robertson to teach Robertson's invention within the context of a semiconductor fabrication facility in accord with applicant's claimed invention. For this reason, applicant suggests that claims 2 and 8 might also plausibly be rejected under 35 U.S.C. § 102(c) as being anticipated by Robertson, and need not necessarily require the Examiner's official notice. Further for this reason, applicant predicates patentability of applicant's claims 2 and 8 upon their dependence upon claims 1 or 7.

With respect to claims 1, 7 and 13-14, Robertson also teaches within the sentence bridging cols. 6-7 that "[t]he portal site may facilitate the search for a suitable foundry or semiconductor manufacturing facility, by providing a database of such, and by attempting to match up the end user 102 with the most suitable foundries or manufacturing facilities." Robertson within the first paragraph on page 7 also teaches that "[t]he portal site 104 provides views into the compatibility of component suppliers 106 with one another and with the standards utilized by specific foundries or semiconductor manufacturers, thus allowing the end users 102 to select appropriate upstream component suppliers 106 early in the design process."

In accord with Robertson's foregoing teachings within the paragraph bridging cols. 6-7, Robertson's electronic circuit and chip design information system is clearly intended to assist a microelectronic product customer with proper selection of a semiconductor foundry prior to placement of a microelectronic product order with a semiconductor foundry. Robertson's electronic circuit and chip design information system is clearly of value for purposes of electronic circuit and chip design prior to production of microelectronic products.

In comparison, applicant within claims 1 and 7 claims a microelectronic fabrication facility information system comprising "a series of databases having contained

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therein production information for microelectronic fabrication product orders within a microelectronic fabrication facility. . . .” Thus, applicant clearly discloses and claims a microelectronic fabrication facility information system operational after a customer order has been received and accepted for a particular microelectronic product, while Robertson teaches a related but unanticipating microelectronic fabrication facility information system operational prior to receiving and accepting a customer order. Applicant further clarifies this aspect of applicant’s invention within previously added claims 13-14. Claims 13-14 provide that applicant’s system or method “allows for a customer to access the customer’s product order information within [a] microelectronic fabrication facility.” Clearly, a customer’s product order information may not be accessed within a microelectronic fabrication facility prior to entry of a customer order in the microelectronic fabrication facility, but only after entry of the customer order therein.

Since Robertson’s invention is thus clearly directed towards an electronic circuit and chip design information system that is employed and operational prior to order and production of a microelectronic product, while applicant’s invention as claimed within claims 1, 7 and 13-14 is directed towards a related but patentably distinct microelectronic fabrication facility information system that inherently or implicitly if not explicitly is operational after a microelectronic product order has been placed, applicant asserts that claims 1, 7 and 13-14 may not properly be rejected under 35 U.S.C. § 102(c) as being anticipated by Robertson. As an inherent or implicit feature within applicant’s claims 1, 7 and 13-14, applicant asserts that databases for which a microelectronic product manufacturer would provide access to a potential customer in accord with Robertson (i.e., production capabilities databases) are not the same as databases for which a microelectronic product manufacturer would provide to an existing customer (i.e., actual production databases) in accord with applicant’s invention. Since at

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minimum applicant's claimed customer product order databases are inherently or implicitly different from Robertson's disclosed supplier production capability databases, applicant asserts that applicant's invention as disclosed and claimed within claims 1, 7 and 13-14 is clearly not anticipated by Robertson.

Since all remaining claims within this application are dependent upon claims 1 or 7 and carry all of the limitations of claims 1 or 7, applicant additionally asserts that those remaining claims may also not properly be rejected under 35 U.S.C. § 102(c) as being anticipated by Robertson or under 35 U.S.C. § 103(a) as being unpatentable over Robertson.

In light of the foregoing responses, applicant respectfully requests that the Examiner's rejections of: (1) claims 1, 3-7 and 9-14 under 35 U.S.C. § 102(e) as being anticipated by Robertson; and (2) claims 2 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Robertson, be withdrawn.

#### ***Response to Arguments***

The Examiner in a first instance asserts that "the features upon which applicant relies [for distinguishing applicant's invention over Robertson] (i.e., a microelectronic fabrication information system operational after a customer order has been received and accepted for a particular microelectronic product) are not recited in the rejected claim(s)."

With the Examiner's foregoing rejection applicant respectfully disagrees. For example, claim 1 claims "a series of databases having contained therein production information for microelectronic fabrication product orders within a microelectronic fabrication facility." (emphasis added) In addition, claim 13 further claims that the databases provide for "a customer

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to access[] product order information within the microelectronic fabrication facility.” (emphasis added) In accord with the foregoing exemplary claims, it is clearly inherent or implicit if not explicit that applicant’s claimed microelectronic fabrication information system is in fact operational only after a customer order has been received, since prior to receipt of a customer order it is inherent or implicit if not explicit that product order production information for a microelectronic product is clearly not available. Alternatively phrased, by claiming within claims 1, 7 and 13-14 product order production information within a microelectronic fabrication information system, it is inherent or implicit if not explicit that a product order must already have been placed within a microelectronic fabrication facility.

In a second instance, the Examiner asserts in general that applicant’s distinction of Robertson’s disclosed databases (as production capabilities databases) and applicant’s claimed databases (as production data databases) is insufficient to overcome the Examiner’s rejections of applicant’s claims to applicant’s invention. The Examiner asserts that “Robertson’s heterogeneous databases read [upon applicant’s] claimed databases.”

Applicant respectfully disagrees with the Examiner’s characterization of Robertson’s databases as heterogeneous databases. In accord with discussion above, applicant continues to assert that Robertson’s databases are in fact production capabilities databases that are employed by a microelectronic product customer for selecting a supplier with appropriate production capabilities prior to the customer placing an order with the supplier. In stark contrast therewith, applicant’s databases are product order production databases that are employed only after a customer has selected a supplier and placed a product order with the supplier within a microelectronic fabrication facility. Since Robertson’s databases are intended as product pre-order databases with no indication that Robertson considers those databases for product post-

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order reasons, applicant asserts that the Examiner may not properly unilaterally designate Robertson's databases as heterogeneous databases for purposes of suggesting lack of a patentable distinction between Robertson's databases and applicant's databases. Thus, applicant continues to assert that due to a distinction between applicant's claimed databases and Robertson's disclosed databases applicant's claims 1, 7 and 13-14 are patentably distinguishable over Robertson.

In light of the foregoing responses, applicant continues to assert that applicant's claims 1, 7 and 13-14 may not properly be rejected under 35 U.S.C. § 102(c) as being anticipated by Robertson. Nor may the remainder of applicant's claims to applicant's invention be rejected under 35 U.S.C. § 102(c) or § 103(a) as being anticipated by or obvious over Robertson, since they are dependent upon claim 1 or claim 7.

#### ***Other Considerations***

The Examiner has cited no additional prior art of record not employed in rejecting applicant's claims to applicant's invention. No fee is due as a result of this amendment and response.

#### **SUMMARY**

Applicant's invention as disclosed and claimed within claims 1, 7 and 13-14 is directed towards a microelectronic fabrication facility information system that provides for customer access to databases therein after a customer order has been placed and customer order production is ensuing. Absent from the prior art of record employed in rejecting applicant's claims to applicant's invention is a teaching of each and every limitation within applicant's claimed invention.

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### CONCLUSION

On the basis of the above amendments and remarks, reconsideration of this application, and its early allowance, are respectfully requested.

Any inquiries relating to this or earlier communications pertaining to this application may be directed to the undersigned attorney at 248-540-4040.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Randy W. Tung", is written over a large, loopy circular flourish.

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